THE HON'BLE SRI JUSTICE N.V. RAMANA

Writ Petition No.21809 of 2006

Dated: 23.10.2006

Between:

G. Syamal Rao.

.... PETITIONER

AND

The Girijan Cooperative Corporation Limited, Visakhapatnam, rep. by its Vice-Chairman & Managing Director and another.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE N.V. RAMANA

Writ Petition No.21809 of 2006

ORDER:

Questioning the show cause notice dated 21.09.2006 issued by the 2nd respondent, namely the General Manager, Girijan Co-operative Corporation Limited, Visakhapatnam, wherein an amount of Rs.3,21,925/- is fixed as inadmissible deficits, and directed the petitioner to show cause as to why the said amount should not be recovered from his retirement benefits, and for not settling his terminal benefits, the present writ petition is filed.

2. Heard the learned counsel for the petitioner and the learned Standing Counsel for the respondent-Corporation.

3. The main contention of the learned counsel for the petitioner is that the respondents 1 and 2, without giving any opportunity and without following the principles of natural justice, issued the impugned show cause notice dated 21-09-2006 directing to recover an amount of Rs.3,21,925/- towards inadmissible deficits in lumpsum from the terminal benefits of the petitioner, and the respondents are not settling his retirement benefits.

4. A perusal of the record would show that the impugned notice is only a show cause notice issued calling upon the

petitioner to submit his explanation as to why the inadmissible deficit amount of Rs.3,21,925/- should not be recovered from his retirement benefits within one week from the date of receipt of that notice. The petitioner, without submitting any explanation to the said show cause notice, directly approached this Court and filed the present writ petition. Therefore, without expressing any opinion on merits of the case, I deem it appropriate to dispose of the writ petition with the following directions;

The petitioner is directed to submit his explanation to the impugned show cause notice dated 21-09-2006 within a period of two weeks from the date of receipt of a copy of this order, and on such explanation being submitted, the 2nd respondent shall consider the issue, after taking into consideration the explanation/objections raised by the petitioner, and pass appropriate orders, expeditiously, preferably within a period of six weeks thereafter. If the petitioner is still aggrieved by the orders that may be passed by the respondents, he is at liberty to assail the same in appropriate proceedings.

With the above direction, the writ petition is disposed of. No costs.

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N.V. RAMANA, J.

Date: 23.10.2006

sj/nsr